

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOGAN RIVERS WENIGER,

Defendant.

CR 15-42-M-DLC-1

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on May 23, 2016. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Logan Rivers Weniger’s guilty plea after Weniger appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conspiring to

distribute 500 or more grams of methamphetamine in violation of 21 U.S.C. § 846 (Count I) and one count of possession of firearms in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A)(I) (Count V), as set forth in the Superseding Indictment. Defendant further admits to the first forfeiture allegation. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II, IV, VI, VII, and VIII of the Superseding Indictment, as well as the second and third forfeiture allegations.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 78), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Logan Rivers Weniger's motion to change plea (Doc. 60) is GRANTED and Logan Rivers Weniger is adjudged guilty as charged in Counts I and V of the Superseding Indictment.

DATED this 9th day of June, 2016.



Dana L. Christensen, Chief District Judge
United States District Court